

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
)	CASE NO. 07 B 16069
Eddie Butler and Elaine Josephine Butler,)	HON. Jacqueline P. Cox
)	CHAPTER 13
DEBTORS.)	

NOTICE OF MOTION

TO: Trustee Tom Vaughn, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603;

Pierce & Associates, 1 N. Dearborn, Suite 1300, Chicago, IL 60602, representing
EMC Mortgage Corporation;

Steven C Lindberg, Freedman Anselmo Lindberg LLC, 1807 W. Diehl Road, Suite 333
Naperville, IL 60566, representing Franklin Credit Management Corp.

See Attached Service List

PLEASE TAKE NOTICE that on January 14, 2013, at 9:00 a.m. I shall appear before the
Honorable Judge Jacqueline P. Cox in Courtroom 680 in the Federal Dirksen Building, 219 S.
Dearborn Street, Chicago, Illinois and present the attached motion and you may appear if you so
choose.

PROOF OF SERVICE

The undersigned, an attorney, certifies that he transmitted a correct copy of this notice and the
attached motion on December 28, 2012, to:

The Chapter 13 Trustee listed above via electronic court notification;

Pierce & Associates via regular U.S. Mail to 1 N. Dearborn, Suite 1300, Chicago, IL 60602;

To the attached service list via regular U.S. Mail from the mailbox located at 20 S. Clark Street,
Chicago, IL 60603.

/s/ Steve Miljus
Attorney for the Debtor

Robert J. Semrad & Associates
20 S. Clark Street, 28th Floor
Chicago, IL 60603
(312) 913-0625

Label Matrix for local noticing
0752-1
Case 07-16069
Northern District of Illinois
Chicago
Fri Dec 28 16:43:30 CST 2012

National Capital Management, LLC
8245 TOURNAMENT DRIVE
SUITE 230
MEMPHIS, TN 38125-1741

The Huntington National Bank, as Trustee for
c/o Rosicki, Rosicki & Associates, P.C.
51 East Bethpage Road
Plainview, NY 11803-4224

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Cook County Treasurer
P O Box 4468
Carol Stream, IL 60197-4468

Discover Bank/DFS Services LLC
PO Box 3025
New Albany, OH 43054-3025

Ecast Seettlement Corp
PO Box 35480
Newark, NJ 07193-5480

(p)FORD MOTOR CREDIT COMPANY
PO BOX 6275
DEARBORN MI 48121-6275

Household Bank
P.O. Box 978
Wood Dale, IL 60191-0978

Illinois Department of Revenue Bankruptcy Se
P.O. Box 64338
Chicago, IL 60664-0338

Deutsche Bank National Trust Company, as cer
c/o Rosicki Rosicki & Associates P.C.
51 East Bethpage Road
Plainview, NY 11803-4224

PRA Receivables Management, LLC
PO Box 41067
Norfolk, VA 23541-1067

U.S. Bankruptcy Court
Eastern Division
219 S Dearborn
7th Floor
Chicago, IL 60604-1704

City of Chicago Department of Water
Myron N Schreiber Assistant Commiss
333 S. State Street, Suite LL10
Chicago, IL 60604-3957

Deutsche Bank National Trust Company
Franklin Credit Management
PO Box 5147
Carol Stream, IL 60197-5147

Discover Financial
Po Box 3025
New Albany, OH 43054-3025

Emc Mortgage
P O Box 293450
Lewisville, TX 75029-3450

(p)FRANKLIN CREDIT MANAGEMENT CORP
101 HUDSON STREET
25TH FLOOR
JERSEY CITY NJ 07302-3984

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

JPMorgan Chase Bank, N.A.
3415 Vision Drive
OH-7133
Columbus, OH 43219-6009

EMC Mortgage Corporation
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120-1176

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Arrow Financial Services LLC
c/o Becket and Lee LLP
P.O. Box 3001
Malvern, PA 19355-0701

ComEd Company
Attn Revenue Management Dept
2100 Swift Drive
Oak Brook IL 60523-1559

Deutsche Bank National Trust Company
P O Box 2301
Jersey City, NJ 07303-2301

EMC Mortgage Corporation
Bankruptcy Department
P.O. Box 292190
Lewisville, TX 75029-2190

Emc Mortgage Corporation
McCalla, Raymer, et al
1544 Old Alabama Road
Roswell, GA 30076-2102

GE Consumer Finance
P.O. Box 960061
Orlando, FL 32896-0061

(p)ILLINOIS DEPARTMENT OF REVENUE
P O BOX 64338
CHICAGO IL 60664-0338

LVNV Funding
P.O. Box 10497
Greenville, SC 29603-0497

LVNV Funding P.O. Box 10584 Greenville, SC 29603-0584	LVNV Funding LLC its successors and assigns assignee of Chase Manhattan Bank NA Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587	LVNV Funding LLC its successors and assigns assignee of CitiFinancial Inc Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587
LVNV Funding LLC its successors and assigns assignee of Citibank USA Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587	Peoples Gas 130 E. Randolph Drive Chicago, IL 60601-6302	Roundup Funding, LLC MS 550 PO Box 91121 Seattle, WA 98111-9221
Sallie Mae, Inc. on behalf of USA Funds Attn: Bankruptcy Litigation Unit E3149 PO Box 6180 Indianapolis, IN 46206-6180	Sams Club Ge Consumer Finance Po Box 103104 Roswell, GA 30076-9104	Sherman Acquisition P.O. Box 10587 Greenville, SC 29603-0587
The Huntington National Bank, as Trustee c/o Franklin Credit Management Corp. PO Box 620444 Indianapolis, IN 46262-0444	(p)TOYOTA MOTOR CREDIT CORPORATION PO BOX 8026 CEDAR RAPIDS IA 52408-8026	Toyota Motor Credit Corporation c/o Becket and Lee LLP POB 3001 Malvern PA 19355-0701
Usa Funds/sallie Mae Servicing Po Box 6180 Indianapolis, IN 46206-6180	Well Fargo Financial Illinois, Inc 4131 121st Street Urbandale, IA 50323-2310	Wells Fargo Financial Bank ATTN: Payment Processing P.O. Box 14487 Des Moines, IA 50306-3487
Wells Fargo Financial Illinois, Inc 4137 121st Street Urbandale, IA 50323-2310	eCAST Settlement Corporation Assignee of Household Bank (Heilig Meyers/Fowler's) Bass & Associates, P.C. 3936 E. Ft. Lowell Road, Suite #200 Tucson, AZ 85712-1083	eCAST Settlement Corporation POB 35480 Newark NJ 07193-5480
eCAST Settlement Corporation assignee of Citibank USA NA/HOME DEPOT POB 35480 Newark NJ 07193-5480	eCAST Settlement Corporation assignee of General Electric/SAMS CLUB CONSUMER POB 35480 Newark NJ 07193-5480	eCAST Settlement Corporation assignee of HSBC Bank Nevada NA / HSBC Card Services III POB 35480 Newark NJ 07193-5480
eCAST Settlement Corporation successor to GE Money Bank POB 35480 Newark NJ 07193-5480	Brian R Zeft Robert J. Semrad & Associates, LLC 20 S. Clark 28th Floor Chicago, IL 60603-1811	Craig Z Black Robert J Semrad & Associates 20 S Clark 28th Floor Chicago, IL 60603-1811
Eddie Butler 11269 S Laflin Chicago, IL 60643-4353	Elaine Josephine Butler 11269 S Laflin Chicago, IL 60643-4353	Patrick J. Semrad Robert J. Semrad & Associates, LLC 20 S Clark St Ste. 2800 Chicago, IL 60603-1811
Patrick S Layng Office of the U.S. Trustee, Region 11 219 S Dearborn St Room 873 Chicago, IL 60604-2027	Tom Vaughn 55 E. Monroe Street, Suite 3850 Chicago, IL 60603-5713	

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Associates, LLC.
POB 41067
Norfolk, VA 23541

Capital 1 Bank
Attn: C/O TSYS Debt Management
Po Box 5155
Norcross, GA 30091

Ford Motor Credit Company LLC
P.O. Box 537901
Livonia, MI 48153-9905

(d)Ford Motor Credit Corporation
Ford Credit National Bankruptcy Center
Po Box 537901
Livonia, MI 48153

Franklin Credit Management
P.O. Box 2301, Jersey City,
NJ 07303-2301

(d)Franklin Credit Management Corporation
P O Box 2301
Jersey City, NJ 07303-2301

IRS
Centralized Insolvency Operations
PO Box 21126
Philadelphia, PA 19114

Illinois Department of Revenue
Bankruptcy Section
100 W. Randolph St., Suite 7-400
Chicago, IL 60601

(d)Portfolio Recovery Associates, LLC
PO Box 41067
Norfolk, VA 23541

(d)Portfolio Recovery Associates, LLC.
POB 41067
NORFOLK VA 23541

Toyota Motor Credit Corp
5005 N. River Blvd
Cedar Rapids, IA 52411

(d)Toyota Motor Credit Corp
5005 North River Blvd NE
Cedar Rapids, IA 52411-6634

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Franklin Credit Managment Corp

(u)JPMorgan Chase Bank N A

(d)National Capital Management, LLC
8245 Tournament Drive
Suite 230
Memphis, TN 38125-1741

(d)Roundup Funding, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

(d)eCast Settlement Corp
PO Box 35480
Newark, NJ 07193-5480

End of Label Matrix
Mailable recipients 58
Bypassed recipients 5
Total 63

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
)	CASE NO. 07 B 16069
Eddie Butler and Elaine Josephine Butler,)	HON. Jacqueline P. Cox
)	CHAPTER 13
DEBTORS.)	

MOTION TO DETERMINE FINAL CURE AND PAYMENT RE RULE 3002.1

Debtors, by and through their attorneys, Robert J. Semrad and Associates, and in support of Debtors' Motion to Determine Final Cure and Payment re Rule 3002.1, Debtors state to the court as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C §§ 1334 & 157.
This is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code on September 4, 2007.
3. On November 26, 2007, this Honorable Court entered an Order confirming Debtors' Chapter 13 Plan of reorganization.
4. Debtors' confirmed Chapter 13 Plan included mortgage arrears owed to EMC Mortgage in the amount of \$5,881.00, at Section E 5(a).
5. On December 6, 2012, the Chapter 13 Trustee filed a Notice of Final Cure Mortgage Payment re: Rule 3002.1, at docket entry number 90.
6. On December 21, 2012, EMC Mortgage Corporation filed a Response to the Chapter 13 Trustee's Notice of Final Cure Payment Rule 3002.1. EMC Mortgage Corporation's response states that Debtors are not current with post-petition mortgage payments, and that the Debtors' loan is due for December, 2012. Please see attached Exhibit A.

7. Debtors have provided their counsel with proof that the December, 2012 mortgage payment to EMC Mortgage c/o Chase Home Finance has been made. Please see attached Exhibit B.
8. Debtors contend that they are current with post-petition mortgage payments to EMC Mortgage.
9. To date, Debtors have paid \$140,987.00 in to the Chapter 13 Plan of reorganization, and the instant case is nearing completion.
10. The Response to the Chapter 13 Trustee's Notice of Final Cure Payment filed on December 21, 2012, by EMC Mortgage is incorrect.

WHEREFORE, the Debtors respectfully request this Honorable Court enter the Order attached to this Motion, and grant such other and further relief and this court deems fair and just.

Respectfully Submitted,

/s/ Steve Miljus
Attorney for the Debtor

Robert J. Semrad & Associates
20 S. Clark Street, 28th Floor
Chicago, IL 60603